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Department of Housing
and Community Development

**Town of Dummerston
Planning Commission**

August 27, 2013

TO: Planning Commission Chairs of towns abutting Dummerston
Newfane, Brookline, Putney, Marlboro, Brattleboro, Windham Regional
Commission and the State of VT Department of Housing & Community
Development/Agency of Commerce & Community Development

Please find enclosed proposed revisions to the Land Use section of Dummerston's Town Plan of 2010. The rest of the Plan remains as adopted and approved by WRC in 2010. Changes from the 2010 Town Plan are marked in red tracking.

The Planning Commission will hold a public hearing on this revision on Tuesday September 24th in the lower level of the Dummerston Congregational Church, 1535 Middle Road in Dummerston Center, at 7:00 p.m. Copies of this document are available at the Town Offices at 1523 Middle Road.

CC: Town Clerk

Dummerston Town Plan Amendment Report - September, 2013

This report is written in accordance with requirements of the Vermont Municipal and Regional Planning and Development Act [24 Vermont Statutes Annotated § 4384(c)]. The Act requires a Planning Commission to prepare a written report on proposed amendments to the Town Plan and specifies the information that must be provided.

The proposed amendments to the Town Plan of Dummerston include land use changes to the linear corridors along state routes 5 and 30, which also include frontages on the Connecticut and West Rivers. These corridors were left unchanged in the 2010 update of the town plan with the instructions that they be studied in more depth for consideration of changes to the Future Land Use classifications from the current rural commercial designation. A corridor committee was appointed, met regularly for over a year; and ended up with two reports (majority and minority), which were then sent to the selectboard. Subsequently, the selectboard passed both reports on to the planning commission with the directive to further address the issue of future land uses and subsequent zoning changes in these designated corridors. The future land use map, and some text changes in the Land Use section of the plan comprise the extent of this amendment.

Vermont Planning and Development Goals

The amendments to Dummerston's Town Plan further Vermont Municipal and Regional Planning and Development Act goals listed in 24 VSA §4302. The goals the proposed amendments most clearly relate to include the following:

- To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact. (Process Goal 2)
- To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place. (Process Goal 3)
- To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside. (Goal 1)
- To provide a strong and diverse economy (Goal 2)
- To identify, protect and preserve important natural and historic features of the Vermont landscape. (Goal 5)
- To maintain and improve the quality of air, water, wildlife and land resources. (Goal 6)
- To maintain and enhance recreational opportunities for Vermont residents and visitors. (Goal 8)
- To encourage and strengthen agricultural and forest industries. (Goal 9)

Points to Consider for the Alteration of Land Designation

1. *The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.*

The probable impact in the overall pattern of land use is to break up the long continuous strips of Rural Commercial classification by changing the designations of some of the land to more accurately reflect its current uses.

2. *The long-term cost or benefit to the municipality, based upon consideration of the probable impact on the municipal tax base and the need for public facilities.*

The changes in land use in the Rtes 5 & 30 corridors do not require additional public facilities; however there is always that possibility at the two interstate exits where the designation of land use has not changed.

3. *The amount of vacant land which is already subject to proposed new designation and actually available for that purpose and the need for additional land for that purpose.*

The amount of vacant land that is currently designated for Rural Commercial development, but which owing to various constraints cannot be developed in that manner, is a minority of the two corridors. The constraints include physical attributes especially along the riverfronts, and also conservation easements on some of the farmland.

4. *The suitability of the area in question for the proposed purpose, after consideration of: appropriate alternative locations; alternative uses for the area under consideration; and the probable impact of the proposed change on other areas similarly designated.*

The areas in question are suitable for natural resource protection designation. In some cases, these areas were deemed particularly suitable, in addition, because affected landowners have expressed support for such a designation.

5. *The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability, and existing development in the area.*

The initial proposal of areas of land designated for the proposed change of classifications was scaled back out of concern about the political acceptability of the changes. The balance between preserving valuable resource lands and commercial opportunities remains delicate. For the most part, the changes from Rural Commercial to another land use classification, have been in areas where commercial development is impossible and/or the landowners have requested the change. In either case, the long strips of commercial designation along the corridors has been broken up to some extent.

LAND USE

Existing Land Use

1. Existing Land Use Pattern

Dummerston covers approximately 19,815⁵ acres of land. The town's pattern of development reflects the influences of the historic settlement pattern discussed in the Community Profile as well as topography and the transportation system.

Physical limitations continue to exert major control on the use of land in Dummerston. Soils and steep slopes have played a dominant role in limiting development in many parts of Town. Where soils are shallow, unstable and impermeable or subject to wetness or erosion, land development becomes extremely difficult. The result is that development has located along road frontage, particularly in the central and western part of Town.

The *Conserved and Working Lands with Existing Development* map shows the general pattern of development in Dummerston along with the location of buildings. This pattern has not changed appreciably over the years; development has merely extended along the road frontages in all sections of town. The *Existing Land Use by Parcel* map shows the dominant land use on each parcel. A more detailed description of these land use categories displayed on this map follows.

1. **Residential Development** is primarily located along the town's rural roads. More recently (post 2001); residential development has been spreading into previously undeveloped areas located further off town roads. The densest concentration of residences can be found in West Dummerston, Dummerston Center, Slab Hollow, Little Connecticut and along Houghton Brook Road near the Putney border.
2. **Commercial Development** is, for the most part, scattered along Route 5 and Route 30. The Commercial uses include retail and automotive services, farm stands, restaurants, and camping facilities.
3. **Industrial Development** in Dummerston is limited. There is some industrial development associated with Putney Paper in the northeast corner of town. In the southeast corner of town, the Allard Lumber yard located on Old Ferry Road extends into Dummerston. Other industrial uses include the Vermont Agency of Transportation Maintenance Garage and a trucking company, both located on Route 5.
4. **Public Services/Cultural** uses include the following facilities: Town Office, Dummerston School, Lydia Taft Pratt Library, Community Center, West Dummerston Post Office, Evening Star Grange, Historical Society, Green Mountain Camp, fire stations, churches and cemeteries. These facilities are primarily located in Dummerston Center and West Dummerston.

⁵ These are physical acres; the Grand List total is 18,540 acres.

5. **Conservation** includes publicly-owned lands, lands owned by a conservation organization, and private lands with a conservation easement⁶.
6. **Farms** refer to lands that are utilized for the cultivation of crops, dairy farming, raising of livestock and poultry, orchards and tree farms.
7. **Undeveloped** land represents land not being used for development at this time. A large portion of this area is forestland, most of which is in private, non-industrial ownership.

Future Land Use

1. Land Use Districts

The Future Land Use Plan has realigned the land use districts from previous Town Plans to allow growth but direct it to locations that are more reflective of Dummerston's traditional settlement pattern and unique landscape features. It also provides for the preservation of Dummerston's natural resources, biodiversity and rural character. The following factors were considered in developing this plan:

- Population and Development trends: Between 1960 and 2000, the population increased 120 percent and housing units by 141 percent, while the average household size declined from 3.14 in 1970 to 2.41 in 2000. Coupled with this population and housing growth, the zoning bylaw has led to increased residential sprawl and strip development throughout the town. Most of the zoning districts were delineated using an arbitrary setback from the road. This method of delineating zoning districts does not respect the physical limitations of the land nor unique cultural and/or natural resources value that may be present.
- Community Input: Over the past several years, the Town has been gathering public input on the goals and values of the community. These activities have included a 2002 Planning Commission survey to discern what the residents wanted the town to be like, Dummerston Y2C in 2007, participation in University of Vermont and Shelburne Farms PLACE program, and community presentations and work sessions on a draft land use plan.
- Biodiversity: Dummerston is fortunate to have a landscape that supports a diverse ecosystem of plants and animals. Conservation Commission efforts to document this biodiversity have been used to help develop a land use plan that will protect the integrity of the town's biodiversity.
- Working Landscape: Unlike many Vermont towns, agricultural activity (dairy, orchards, haying, etc.) and forestry are still very much a part of the landscape. In a time where land prices and the economy make it difficult to convert new land for farming, this land use plan recognizes the importance of the existing working landscape and seeks to maintain it for use into the future.

⁶ A conservation easement is a recorded land use agreement in which the property owner conveys by sale or gift certain development rights to a governmental agency or qualified charitable organization like a land trust. The holder is required to enforce the easement in perpetuity for public benefit. Easements can protect lands, buildings, or both. Another name for a conservation easement is conservation restriction.

- **Land Capability:** Natural features of the landscape can serve as major development constraints. Steep slopes, flood-prone areas, wet soils and shallow soils all present challenges to development that may be able to be overcome but do not reflect efficient and environmentally sound planning.

The following land use districts were developed to guide growth and conservation efforts in Dummerston. The *Future Land Use* map depicts the areas that are described below. They will be used to guide future changes to the land use districts in the Zoning Bylaw.

- a. Conservation:** Conservation areas are so designated because of their special and unique value to the region's ecosystems. Lands within this area primarily include publicly-owned lands (either town or federal), lands with conservation easements, steep slopes and connecting habitat areas. The priority in the conservation areas is to maintain large tracts of undeveloped land as well as to protect habitats, watersheds and conservation corridors.
- b. Resource:** The resource areas contain lands that currently have or have the potential for productive agricultural or forestry uses. In most locations, undeveloped land, conservation corridors, large parcels, low impact recreation and habitat protection are maintained. There are some low to very low-density⁷ residential areas located in these resource areas. The purpose of the resource area is to recognize and provide for the continuation of economic values when the land is in productive use. Another purpose is to preserve the rural character of Dummerston which is characterized by extensive woodlands and undeveloped fields, while accommodating low to very low density residential development that avoids the need for new road infrastructure.
- c. Rural:** The rural areas contain low-density development and are generally located at a distance from facilities and services. The rural areas off Bunker Road and Miller Road tend to be undeveloped fields. The Rural areas in the western part of town tend to be forested. These are areas that can support limited residential growth due to topography and soil conditions. The goal of rural lands is to provide for some housing while maintaining moderate levels of forestry and agriculture. Habitat protection and the preservation of the rural landscape are also important.
- d. Rural Residential:** Rural residential areas are residentially developed areas that are easily accessible by the existing road network. The goal of the rural residential area is to provide for low to moderate density housing while maintaining the rural feel. Both site specific habitat preservation (e.g. streams, wetlands, vernal pools) and, where possible, resource use is encouraged.
- e. Residential:** The goal is to encourage the most intensive use of land with a wide variety of housing types and retail and service establishments in scale with the neighborhood. Future development is meant to be compatible with the existing character of the area. More intense use of land within these areas may require shared water supply, sewage

⁷ Density is the amount of development per acre. It is typically measured in dwelling unit per acre.

disposal and driveway access solutions.

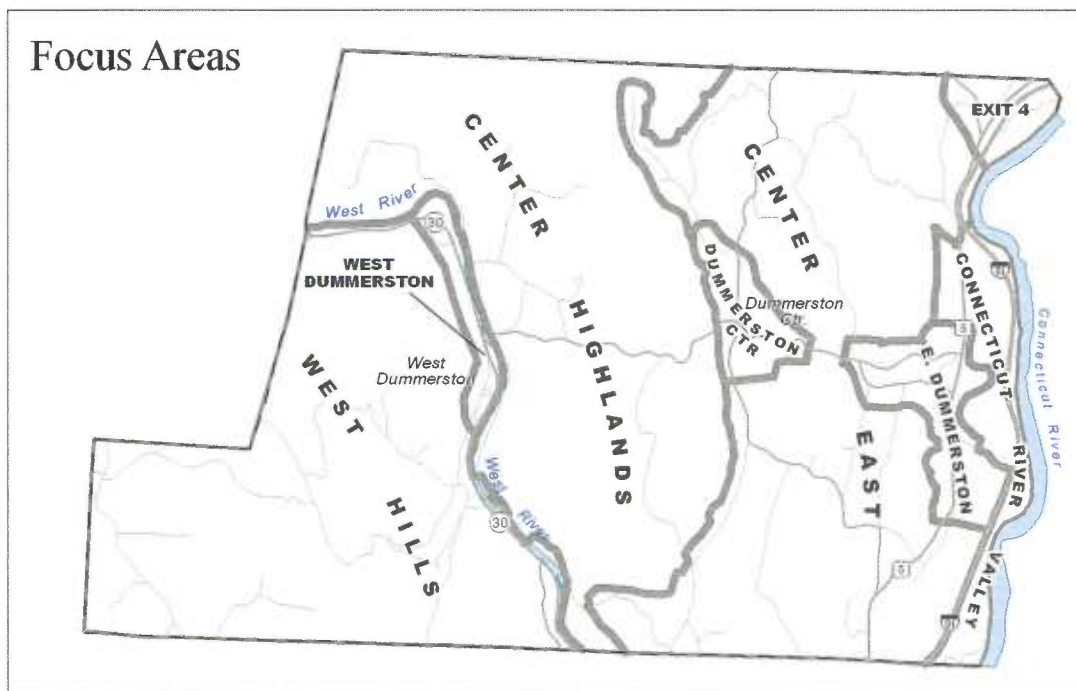
- f. **Rural/Commercial:** This district includes lands along Route 5 and the west side of Route 30. These lands fit the criteria for Rural Residential, and appear generally suitable for light commercial uses that require good access to a main traveled road. Both residential and commercial uses including recreation are suited for this area. Commercial uses should be compatible with surrounding predominantly residential uses. Strip development should be discouraged and its negative impacts minimized if possible, by techniques such as shared access points, increased landscaping, sign control, and emphasis on pedestrian movement.
- g. **Connecting Habitats Overlay:** Connecting Habitats are areas that provide naturally vegetated linkages to support daily and seasonal wildlife movement between larger tracts of undeveloped or conserved lands. The goal is to encourage continued stewardship and minimize development activities that would block or limit wildlife movement between unfragmented blocks of forest.
- h. **Commercial/Light Industrial:** The purpose of these areas is to encourage well-planned and coordinated development of commercial and light industrial (e.g. manufacturing, warehousing, building trades, storage, etc.) within the Town. Efforts will be made to guide and regulate development in such a way to ensure wise public investment and minimize impacts on the land and surrounding community while avoiding strip development and supporting a range of economic development and business opportunities in the Town.
- i. **~~Historic Settlement Area~~Settlement Areas:** Of Dummerston's original ~~historic settlement areas~~settlement areas, three remain: West Dummerston Village, Dummerston Center and Slab Hollow. Settlement patterns in these areas include historic structures with mixed uses sited close to the street, mostly on narrow lots, or at least close to each other. Currently these areas provide a focus for Town cultural and social activities and for mixed residential, commercial, spiritual, educational and government uses. The compactness of building densities, relative uniformity of scale and design, and age of the structures, give them the effect of typical New England villages, albeit somewhat smaller.
 - i. **West Dummerston Village** is located adjacent to the Route 30 Corridor, and includes historic structures that once were churches, a Grange, and a school. Many have undergone adaptive reuses, mostly to become residential. West Dummerston Village also has a library, Community Center, a Church, a Post Office, a firehouse and a cemetery. In order to encourage compact settlement in the Village, the Town needs to consider current restraints created by inadequate water and septic needs.
 - ii. **Dummerston Center** is located at the crossroads of the East West, Middle, Bunker and Park Laughton roads. The focal point of this district is the intersection where the Congregational Church, Grange, and common are located. Residential buildings dating from the late 18th to mid-19th centuries surround this area, which once served as a town center. This is also the location of the Town Offices and the

Historical Society. This area may allow opportunities for appropriate infill development provided attention is paid to scale and design that complements the existing historic character of the area.

- iii. **Slab Hollow** is located on the east side of Dummerston mainly at the intersection of East West Road and Schoolhouse Road. The ~~Historic settlement area~~settlement area extends generally east, west and southeast along Salmon Brook. Formerly the site of several mills and a village-like center, it is now entirely residential. However, should development opportunities arise, the historic character of the area should be maintained and an appropriate variety of uses be encouraged.

2. Focus Areas

As part of the process to develop the future land use districts, focus areas depicted on the map below were created to evaluate the landscape and unique values of various parts of Town. These focus areas provide a more detailed description of what each part of Town is like. They should be used in conjunction with the land use districts to evaluate the “character of the area” during development review.



- a. **Exit 4:** The Exit 4 focus area is located on Route 5 with easy access to the Interstate 91 interchange. In the vicinity of Houghton Brook Road and Johnson's Curve, the development is residential. Near the Exit 4 interchange there is commercial development, 2-3 establishments which are connected to Putney's sewer/water line. The area east of the railroad tracks is currently undeveloped and includes two boat landings which provide public access to the Connecticut River. There is active farming occurring in this focus area (an orchard and corn field) and it is important to protect this agricultural land as well as other natural resources.

- b. Connecticut River Valley:** The gently rolling landscape and fertile soils of the Connecticut Valley have long supported agricultural use of the land in this focus area. The landscape is a patchwork of fields and forested areas. Existing development in this area includes residential development and working farms. There is industrial development on Old Ferry Road, which is accessed by way of Brattleboro.
- c. East Dummerston:** The East Dummerston focus area stretches from Hidden Acres campground to Dummerston School along Route 5 and up East-West Road and School House Road into the residential area known as Slab Hollow. The town's largest concentration of commercial operations is scattered along Route 5. Slab Hollow is one of three historic compact settlement areas in Dummerston and serves as a single-family residential neighborhood of small lots with development close to the road.
- d. Center East:** The Center East focus area contains a mixture of scattered development, undeveloped land, and undeveloped areas. Farming has left an imprint on this focus area with fields, some still actively farmed, and forests surrounding the residential development. Most of Dummerston's orchards are found in this focus area. The rising hills to the west provide scenic forested views.
- e. Dummerston Center:** Dummerston Center typifies the traditional village center of the rural upland farming communities which have historically dominated Vermont's agricultural landscape. Community, religious and residential structures combine with undeveloped land to form a community center of cultural significance. The built environment has a consistency in form, material, texture and color. Important landscape features include fields stretching toward the ridge, surrounding woodlands, many large shade trees and the pond and brook located at the crossroads of Middle Road and East-West Road.
- f. Center Highlands:** The Center Highlands focus area is comprised of a connecting swath of land that runs north-south through Dummerston. Black Mountain and Prospect Hill are important high elevation landmarks. The dominant feature in this focus area is the forested landscape, much of which is remote and undeveloped. The forested landscape plays an integral role in the town's biodiversity. Large contiguous areas of unfragmented habitat extend beyond the town borders into the neighboring towns. This unfragmented habitat is critical for animal migration.

High elevations and steep slopes in many parts of this focus area constrain development. Several large parcels have already been conserved. There is some low density residential development on Black Mountain Road, East-West Road and Camp Arden Road. More dense development is located on and around Hague Road, an area known as Little Connecticut. In the areas of residential development there is a peaceful, quiet nature to the area given surrounding forested landscape.

- g. West Dummerston:** The West Dummerston focus area is situated along Route 30, a major transportation route between Brattleboro and towns along West River Valley. It

includes West Dummerston Village, one of Dummerston's historic village areas. Today, West Dummerston Village is primarily residential with a few public buildings. Lot sizes are generally one acre or less and structures rely on individual wells and septic systems. The combination of small lot sizes and on-site water and waste water systems is a development constraint. This focus area is defined by the West River and the steep, wooded slopes behind it as opposed to the scattered commercial and residential development. The commercial development that exists is small in scale and is primarily art-related crafts that are located in residences. There are also some auto service garages and a gasoline station. Route 30 is a popular route for bicyclists and for recreation users, who take advantage of the parking lot at the covered bridge.

- h. West Hills:** This focus area is a high elevation area with large, undeveloped tracts of lands. It is largely forested and is part of a greater contiguous forested habitat that extends into neighboring towns. A significant portion of the area has been conserved because it serves as a watershed area for Brattleboro's water supply. Residential development is scattered along the roads. Known as Dummerston Hill, it was an early settlement abutting the towns of Marlboro, Brattleboro and Newfane. Existing low density development, steep terrain and limited access from Dummerston contribute to the remote feeling of this focus area.

Land Use Goals, Policies, and Action Steps

Land use planning impacts real property, and therefore the Town is especially committed to working in collaboration with residents to develop land use regulations. Through the established hearing processes as well as through less formal methods, the Town relies on public involvement to help weigh the interests of individual landowners with the town-wide goals of thoughtful development and conservation.

Goal 1: To achieve a balance between development activities, preservation of natural resources, and undeveloped land in Dummerston.

Policy 1.1: Designate distinct zoning districts to regulate land use activities to ensure compatibility with the purposes of those respective districts.

Action Steps:

- a. Adopt a Conservation District for the purpose of maintaining large tracts of undeveloped land, as well as to protect habitats, watersheds and conservation corridors. To this end:
 - i. Limit permitted uses within the Conservation District to residential, agriculture, forestry, individual recreational hunting and fishing camps, seasonal or occasional use camps, and accessory uses to the permitted uses on the same lot.
 - ii. Prohibit the creation or extension of new town roads through the Conservation District.
 - iii. Investigate public and private strategies for maintaining undeveloped land in a manner that reflects the needs of landowners and protects habitats, watersheds and conservation corridors.

- b. Adopt a Resource District to recognize and provide for the continued use of lands that have economic value when in productive use and to preserve the rural character. To this end:
 - i. Resource districts should be used for residences, forestry, agriculture, and low-intensity recreation.
 - ii. Encourage clustering of detached dwelling units as a means for leaving land undeveloped and protecting natural resources in this area.
 - iii. Conditionally permit agricultural tourism use so that property owners can diversify and bolster income sources.
- c. Adopt a Rural District to provide housing while maintaining modest levels of forestry and agriculture that contribute to the rural character. To this end:
 - i. Encourage clustering of detached dwelling units as a means for leaving land undeveloped and protecting natural resources in this area.
 - ii. Continue to permit a mix of rural land uses, including residential, agriculture, forestry, and outdoor recreation.
 - iii. Conditionally permit agricultural tourism use so that property owners can diversify and bolster income sources.
- d. Preserve the Rural Residential District to provide for moderate density housing while maintaining a rural feel. To this end:
 - i. Revise the Zoning Bylaw to conditionally permit multi-family housing in the rural residential district
 - ii. Continue to permit a mix of rural land uses, including residential, agriculture, forestry, and outdoor recreation.
 - iii. Review setback requirements and reduce them where the predominant development pattern is contrary to the existing setback requirement.
- e. Adopt a Residential District to promote moderate density residential development that is consistent with existing uses and is sensitive to the limitations of the land. Generally the lot sizes are smaller and therefore most appropriate for residences and their accessory uses. To this end:
 - i. Residential Districts should permit a mix of uses, including residential, agriculture, forestry and outdoor recreation.
 - ii. Maintain a settlement pattern that allows for safe proximity of water wells and septic systems.
 - iii. Allow a variety of conditional uses which would be compatible with the existing uses and surrounding aesthetic.
- f. Adopt ~~Historic Settlement Area~~Settlement Area Districts for West Dummerston Village, Dummerston Center and Slab Hollow to encourage increased compact settlement consistent with traditional development patterns in Dummerston. To this end:
 - i. With the residents of each ~~Historic Settlement Area~~Settlement Area, decide where the boundaries will be on the Zoning Bylaw map.
 - ii. Evaluate building setback patterns and create setbacks that are consistent with the

so that the losses of these are minimized.

Action Step:

- a. Develop an informational packet for permit applicants to aid in siting.

Policy 2.2: Create a network of green spaces and greenways that protects and preserves the environment, wildlife habitats, natural resources, scenic landscapes, and provides recreation.

Action Steps:

- a. Maintain a minimum setback of 50' from rivers and perennial streams. Encourage the establishment and maintenance of a vegetated buffer along the shoreline for erosion control, filtration and/or capture of nutrient and chemical runoff.
- b. Prohibit new development in flood hazard areas except as provided by State regulations.

Policy 2.3: Prohibit the storage and disposal of radioactive materials and nuclear waste.

Goal 3: To promote intensive land uses and development only in areas where adequate public services and facilities are available.

Policy 3.1: Limit light industrial development to areas shown as Commercial/Light Industrial on the future land use map.

Policy 3.2: Prohibit extension of commercial transmission facilities or the construction of other commercial utility structures on or through all Districts except Resource.

Policy 3.3: Construct corridors for new energy transmission or distribution facilities only when needed, and then only within or adjacent to existing operational energy transmission facility corridors to the maximum extent possible. Minimize their visual impact on ridgelines, slopes and undeveloped areas, and avoid important natural and historic resources.

WORKING LANDSCAPE

Agriculture

Agricultural land, or farmland, is defined as any land used for agricultural activities⁸ by a farm⁹. Usually farmland is cleared, although some forestry practices are considered agricultural, such as the cultivation of maple sugarbushes. Natural and human-influenced factors determine viability of farmlands, both economically and in the ability to produce crops. Soil, slope and climate conditions are examples of natural factors. Accessibility by roads, distances to services,

⁸ Title 12, Chapter 195 of the Vermont Statutes Annotated defines agricultural activity.

⁹ A farm is an agricultural business with annual sales of \$1000 or more. A farm includes the entire parcel (parcels) of land that contains such farmland, whether leased or owned.

Future Land Use Town of Dummerston, Vt.

Town Plan hearing draft, August 2013

